

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MARIA GREEN and WALTER GREEN,
individually and the marital community
composed thereof,

Plaintiffs,

v.

WALMART, INC., a foreign profit
corporation; and JOHN and JANE DOES 1-
10, Walmart Store Managers and Employees,

Defendants.

Civil Action No. 2:21-cv-00394

DEFENDANT WALMART, INC.'S NOTICE
OF REMOVAL OF ACTION PURSUANT
TO U.S.C. SECTIONS 1332, 1441, AND 1446

TO: CLERK, U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

AND TO: PLAINTIFFS' COUNSEL OF RECORD

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Walmart, Inc. ("Walmart")
hereby removes this action from the Superior Court of the State of Washington in and for the County
of King to the United States District Court for the Western District of Washington.

I. STATEMENT AND GROUNDS FOR REMOVAL

1. On or about February 24, 2021, Plaintiffs filed a lawsuit in King County Superior
Court entitled *Maria Green and Walter Green v Walmart, Inc., and J. Does 1-10, Walmart Store
Managers and Employees* cause number 21-2-02543-5 KNT (the "State Court Action"). *Declaration*

DEFENDANT WALMART, INC.'S NOTICE OF
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SECTIONS 1332, 1441, AND 1446 - 1

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1 of Colin J. Troy in Support of Walmart, Inc.'s Notice of Removal at ¶ 2, Ex. A. Plaintiffs served
2 Walmart with a copy of the Summons and Complaint on February 25, 2021. *Id.* at ¶ 4, Ex. B.
3 Plaintiffs claim that as a result of Walmart's negligence, plaintiff Maria Green suffered severe and
4 diverse physical, mental, and emotional injuries which are permanent and painful and plaintiff
5 Walter Green suffered a loss of consortium. *Id.* at ¶ 9, Ex. A. Therefore, the amount in controversy
6 appears to be in excess of \$75,000. *Id.* at ¶ 9.

7 2. The documents attached to the *Declaration of Colin J. Troy in Support of Walmart,*
8 *Inc.'s Notice of Removal* as Exhibit A constitute all of the pleadings filed in the State Court Action.
9 Walmart represents that, apart from the materials attached to the *Declaration of Colin J. Troy in*
10 *Support of Walmart, Inc.'s Notice of Removal* as Exhibit A, it has received no other process,
11 pleadings, motions or orders in this action.

12 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332.
13 There is complete diversity of citizenship between the parties because plaintiffs are residents of King
14 County, Washington. *See id.*, Ex. A. Defendant Walmart is a Delaware corporation with
15 headquarters located in Bentonville, Arkansas. *Id.*, Ex. C.

16 4. Walmart reserves the right to amend or supplement this Notice of Removal.

17 5. Should plaintiffs file a motion to remand this case, Walmart respectfully requests the
18 opportunity to respond more fully in writing, including the submission of affidavits or other
19 authority.

20 6. By filing this *Notice of Removal*, Walmart does not waive, and expressly reserves, all
21 defenses available under Rule 12 of the Federal Rules of Civil Procedure.

22 II. INTRADISTRICT ASSIGNMENT

23 7. This claim is pending in the county of King, Washington, and assignment to a judge
24 in Seattle is appropriate.

25 III. NOTICE TO THE STATE COURT AND PROPER FILING OF RECORDS

s/Colin J. Troy

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Attorneys for Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2021, I electronically filed DEFENDANT WALMART, INC.'S NOTICE OF REMOVAL OF ACTION PURSUANT TO U.S.C. SECTIONS 1332, 1441 AND 1446 with the Clerk of the Court using the CM/ECF.

I hereby certify that the following have been served via CM/ECF electronic service:

ATTORNEY FOR PLAINTIFFS:

Samuel J. Daheim
Connelly Law Offices, PLLC
2301 North 30th Street
Tacoma, WA 98403
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DATED this 23rd day of March, 2021.

/s/Keaton McKeague
Keaton McKeague
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